

Application No. 09/696,754

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Attorney Docket No.: 26119-136C US1

MAR 28 2007**REMARKS/ARGUMENTS**

Claims 1-10, 12, 59-67 and 76-89 were pending in the above-identified patent application, claims 76-87 and 89 were withdrawn from consideration.

Claims 1, 2, 3, 5-10, 12, 59-63 and 65-67 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bowman U.S. Patent No. 6,601,234 ("Bowman") in view of Milsted et al. U.S. Patent No. 6,345,256 ("Milsted") in further view of Lipkin U.S. Patent No. 6,721,747 ("Lipkin"). The Examiner also cites Official Notice.

Claims 1, 4, and 64 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bowman-234 in view of Milsted in further view of Lipkin and in further view of U.S. Patent 6,625,643 to Colby et al ("Colby").

Claim 88 is also rejected under 35 U.S.C. § 112.

Claims 1-10 are also rejected under 35 U.S.C. § 101 as lacking a recitation of a tangible and concrete result.

By this Amendment, claim 61 has been canceled, claims 1, 2, 6, 7, 8, 9, 12, 62, 63, 66, and 88 have been amended, and claim 90 has been added. Reconsideration is respectfully requested.

Applicants the Examiners rejections traverse below.

I. Amendments to Claims 1, 2, 6, 7, 8, 9, 12, 62, 63, 66, and 88 and New Claim 90

Applicants have amended claims 1, 2, 6, 7, 8, 9, 12, 62, 63, 66, and 88. For example, claim 1 has been amended to include:

- "wherein the business language definition descriptors comprise at least one keyword having at least one value,"

- "monitoring the distribution from the first plurality of different networked users to the second plurality of different networked users by a statistics engine,"

- "monitoring at least one response from the second plurality of different networked users by the statistics engine,"

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- "based on the at least one keyword and the at least one value of the business language definition descriptors, deriving first traffic statistics based on the distribution from the first plurality of different networked users to the second plurality of different networked users by the statistics engine." and

- "based on the at least one keyword and the at least one value of the business language definition descriptors, deriving second traffic statistics based on the at least one response from the second plurality of different networked users by the statistics engine."

New claim 90, which depends from claim 1, includes, for example:

- "executing events in at least one event table", wherein :

"the at least one event table provides a sequence of activities with priorities, dependencies, execution methods, and requirements for actions on objects managed by an aggregation server;"

"the at least one event table is defined based on at least one of bundle type, destination address, author, user role, or user definable properties;" and

"the at least one event table defines an authentication sequence for validating the first plurality of different networked users by the second plurality of different networked users;"

- "generating a first token;"

- "sending the token to the aggregation server;"

- "matching the first token with a second token to validate the first plurality of different networked users; and"

- "converting the first traffic statistics and the second traffic statistics into billing amounts, wherein the converting converts traffic to different destinations to different billing amounts."

II. The Pending Claims are Allowable Over any Combination of Bowman, Milsted, Lipkin, Colby

No combination of Bowman, Milsted, Lipkin, Colby show or suggest the combination of elements recited in claim 1 or claim 88. For example, in reference to claim 1, no combination of the cited prior art shows or suggest the following combination of elements:

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- "business language definition descriptors compris[ing] at least one keyword having at least one value;"

"monitoring the distribution from the first plurality of different networked users to the second plurality of different networked users by a statistics engine;"

"monitoring at least one response from the second plurality of different networked users by the statistics engine;"

"managing commercial interactions between at least one of the first plurality of different networked users and at least one of the second plurality of different networked users using the information bundles;"

"based on the at least one keyword and the at least one value of the business language definition descriptors, deriving first traffic statistics based on the distribution from the first plurality of different networked users to the second plurality of different networked users by the statistics engine;" and

"based on the at least one keyword and the at least one value of the business language definition descriptors, deriving second traffic statistics based on the at least one response from the second plurality of different networked users by the statistics engine."

Each of the dependent claims depends from claim 1 and are thus allowable for at least the same reasons as claim 1. Furthermore, claims 1-10, 12, 59, 60, 62-67, 88, and 90 are allowable for at least reasons described in, for example, the Pre-Appeal Brief of November 21, 2006 and the Reply to Office Action of May 25, 2006. Applicants respectfully request that the rejections under 35 U.S.C. § 103 be withdrawn.

III. Rejection of Claim 88 Under 35 U.S.C. § 112

The Examiner stated that claim 88 is indefinite because "there is recited only one first and one second networked user." Claim 88 recites, "with at least one of first networked users and one of second networked users."

The Examiner also stated that "[i]f both users are recited ... the users could be sending information to themselves." However, the claim states that the information bundles are "to be

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received from at least one of the first networked users and adapted to be sent to at least one of the second networked users."

Applicants respectfully request that the rejection under 35 U.S.C. § 112 be withdrawn.

IV. Rejection of Claims Under 35 U.S.C. § 101

In evaluating whether a claim meets the requirements of 35 U.S.C. § 101, a "claim must be considered as a whole to determine whether it is for a particular application of an abstract idea, natural phenomenon, or law of nature, and not for the abstract idea, natural phenomenon, or law of nature itself" (MPEP, 2106, IV, C, third paragraph, emphasis added). Applicant respectfully submits that currently amended claim 1 "considered as a whole" is directed to statutory subject matter and produces a useful, concrete, and tangible result.

Applicants respectfully submit that, for example, claims 1 and 88 meet the requirements of 35 U.S.C. § 101 because, for example, they recite a "computer implemented network commercial interaction method" that include, for example, "distributing information bundles," "managing commercial interactions," "deriving first traffic statistics," and "deriving second traffic statistics" each of which achieve a concrete and tangible result. Additionally, both claims include, for example, specify "descriptive metadata" which is accordingly limited to a digital data processing device. Each of the dependent claims depends from claim 1 and are thus allowable for at least the same reasons. Accordingly, withdrawal of the rejections to claims 1-10, 12, 59, 60, 62-67, 88, and 90 is respectfully requested.

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CONCLUSION

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Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, Applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples Applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicants have emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicants do not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicants are providing examples of why the claims described above are distinguishable over the cited prior art.

Applicants wish to clarify for the record, if necessary, that the claims have been amended to expedite prosecution and/or explicitly recite that which is already present within the claims. Moreover, Applicants reserve the right to pursue the original and/or complimentary subject matter recited in the present claims in a continuation application.

Any claims that have been cancelled are hereby cancelled without prejudice or disclaimer, and Applicants reserve the right to further prosecute these claims in continuing applications. In addition, Applicants have attempted to claim all embodiments disclosed in the present application, and no disclaimer of any embodiments is hereby intended by the presently pending claims.

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Any narrowing amendments made to the claims in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely Applicants' best attempt at providing one or more definitions of what the Applicants believe to be suitable patent protection. In addition, the present claims provide the intended scope of protection that Applicants are seeking for this application. Therefore, no estoppel should be presumed, and Applicants' claims are intended to include a scope of protection under the Doctrine of Equivalents and/or statutory equivalents, i.e., all equivalents that are substantially the same as the presently claimed invention.

Further, Applicants hereby retract any arguments and/or statements made during prosecution that were rejected by the Examiner during prosecution and/or that were unnecessary to obtain allowance, and only maintain the arguments that persuaded the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review of the prosecution history. That is, Applicants specifically retract statements that one of ordinary skill would recognize from reading the file history were not necessary, not used and/or were rejected by the Examiner in allowing the patent application.

For all the reasons advanced above, Applicants respectfully submit that the rejections have been overcome and should be withdrawn.

For all the reasons advanced above, Applicants respectfully submit that the Application is in condition for allowance, and that such action is earnestly solicited.

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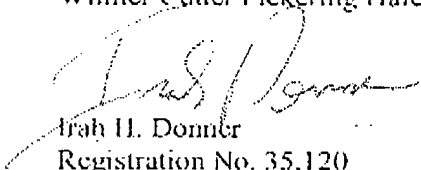
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The Commissioner is hereby authorized to charge any additional fees, which may be required for this Amendment, or credit any overpayment to Deposit Account No. 08-0219

In the event that an Extension of Time is required, or which may be required in addition to that requested in a petition for an Extension of Time, the Commissioner is requested to grant a petition for that Extension of Time which is required to make this response timely and is hereby authorized to charge any fee for such an Extension of Time or credit any overpayment for an Extension of Time to Deposit Account No. 08-0219.

Respectfully submitted,

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